

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOHAMMAD K. ALI,

Plaintiff,

v.

Case Number 09-12771

Honorable David M. Lawson

Magistrate Judge Donald A. Scheer

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING THE PLAINTIFF'S COMPLAINT**

Presently before the Court is the report issued on February 23, 2010 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b). Judge Scheer found substantial evidence in the record that the claimant retained residual functional capacity for a limited range of sedentary work. As a result, he recommended that this Court deny the plaintiff's motion for summary judgment, grant the defendant's motion for summary judgment, and dismiss the plaintiff's complaint.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 22] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt # 19] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt # 15] is **DENIED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 11, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 11, 2010.

s/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO